

Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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DRAFTED BY EB/AN:AJRIMAS:DAP

APPROVED BY EB/AN:RABROWN

L/EB - P. MICKEY

ARA/ECP - D. TAHER

CAB - C. COLDREN

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FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA

INFO AMCONSUL RIO DE JANEIRO

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E.O. 11652: N/A

TAGS: EAIR, BR

SUBJECT: CIVAIR: FINAL ACT OF 1975

REF: BRASILIA 7464

1. DEPARTMENT IS CONCERNED WITH POSSIBILITY THAT BERENGUER MIGHT BE BACKSLIDING ON ISSUES WHICH WERE ALREADY RESOLVED IN NOVEMBER 1975 TALKS. THERE WAS NO QUESTION DURING NOVEMBER TALKS THAT PAN AM WOULD BE ALLOWED TO CONSOLIDATE MULTIPLE INCOMING FLIGHTS TO ONE RIO-CONGONHAS FLIGHT, AND USE MULTIPLE FLIGHT NUMBERS. AS EMBASSY HAS CORRECTLY NOTED IN PARA 2 REFTTEL, SECTION A.5 AND C OF FINAL ACT PERMITS SUCH DUAL NUMBERED FLIGHTS. BRAZILIAN PROPOSAL CONTAINED PARA 4 REFTTEL TO ACCEPT U.S. LANGUAGE SUBJECT TO DEFINITION OF TERMS APPEARS TO BE AIMED AT REOPENING ISSUE.

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2. WITHOUT PREJUDICE TO FURTHER DISCUSSION OF NEW "ONE

CHARTER-ONE FLIGHT" POLICY IN FUTURE, IT APPEARS
DESIRABLE TO US THAT 1975 FINAL ACT BE APPROVED AS SOON
AS POSSIBLE. ACCORDINGLY, DEPARTMENT PROPOSES TO ACCEPT
IN ITS ENTIRETY ORIGINAL LANGUAGE OF 1975 FINAL ACT AS
ADOPTED BY U.S./GOV DELEGATIONS IN NOVEMBER 1975. ARTICLE
5A SHOULD THEREFORE READ AS FOLLOWS: "PAN AMERICAN WILL

BE PERMITTED IN ITS SCHEDULES TO ASSIGN ITS OWN FLIGHT
NUMBERS TO THE CONNECTING FLIGHTS OF AIRCRAFT OF A
BRAZILIAN AIRLINE BETWEEN GALEAO AIRPORT AND CONGONHAS
PURSUANT TO A LEASING CONTRACT, AND PAN AMERICAN
WILL BE PERMITTED TO OPERATE ONE OR MORE OF SUCH FLIGHTS,
USING ITS OWN AIRCRAFT, BEYOND RIO DE JANEIRO TO POINTS
ON ITS ROUTES IN THIRD COUNTRIES."

3. IF THE APPROACH OUTLINED PARA 2 ABOVE IS ACCEPTABLE
TO GOB, PLEASE EXCHANGE NOTES IMPLEMENTING THE FINAL
ACT. IN TRANSMITTING PROPOSED ARTICLE 5A LANGUAGE,
EMBASSY SHOULD POINT OUT THAT WE INTERPRET THIS LANGUAGE
TO CONFER SAME RIGHTS AS LANGUAGE BRAZILIANS HAVE SOUGHT
TO QUALIFY. WHILE WE ARE WILLING TO REVERT TO
ORIGINAL VERSION, WE INSIST THAT UNDER IT PAN AM IS
ENTITLED TO COMBINE MULTIPLE FLIGHTS AT RIO FOR ONWARD
TRANSPORT VIA VASP TO CONGONHAS, USING APPROPRIATE
FLIGHT NUMBERS. ROBINSON

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